

REMARKS

This is in full and timely response to the non-final Office Action dated May 13, 2003 (Paper No. 9). The present amendment amends claims 2, 3, 6 and 8 to 11 and adds new claims 12 to 17 in order to overcome the rejection of and objection to the presently pending claims. Claim 1 has additionally been cancelled without prejudice or disclaimer to the subject matter contained therein. No new matter has been added. Accordingly, claims 2 to 17 are presently pending in the application, each of which are believed to be in condition for allowance. Reexamination and reconsideration in light of the present amendment and the following remarks are respectfully requested.

Claim to Priority:

The Applicants thank the examiner for acknowledgment of the claim for foreign priority under 35 U.S.C. § 119. Although the examiner alleges the Applicants have not filed a certified copy of Japanese Patent Application No. P2001-075269 filed March 16, 2001, the Applicants maintain that a certified copy of this application was in fact filed in the U.S. Patent and Trademark Office on June 4, 2002. In support of this position, attached hereto in Appendix I is a copy of the postcard filed with the Applicant's claim to priority, stamped and signed by the U.S. Patent and Trademark Office on June 4, 2002, clearly showing that the Applicants have submitted a certified copy of Japanese Patent Application No. P2001-075269.

Drawings:

According to the examiner's instructions, corrected drawings have been submitted herewith in Replacement Sheets attached as Appendix II. Specifically, Fig. 2, Fig. 4 and Fig. 7 have been amended to correctly reflect the figure where the section view is found. Accordingly, entry of these corrected

drawings is courteously solicited. Should the Examiner believe anything further is desirable in order to place the Drawings in even better form, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Claim Objections:

Claims 8, 10 and 11 were objected to under 37 C.F.R. § 1.75(c) as being in improper form for having multiple dependent claims depend upon other multiple dependent claims. Accordingly, the offending claims have been amended according to the examiner's instructions in order to ensure compliance with 37 C.F.R. § 1.75(c). Withdrawal of this objection is therefore courteously solicited.

Claims 7 and 9 were also objected to because the terms "the ring shaped first fixed portion" and "the ring shaped second fixed portion" lacked antecedent basis when dependent upon claim 4. The Applicants thank the examiner for pointing out this deficiency and have amended the claims accordingly to overcome the objection. Consequently, withdrawal of this objection is respectfully requested.

Claim Rejections- 35 U.S.C. § 112:

In the action, claims 2 to 7 and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Specifically, the examiner rejected claims 2 and 3 for allegedly claiming both a "positioning structure" and a "positioning method" in the same claim. This rejection is respectfully traversed in light of the present amendment.

Claims 2 and 3 have been presently amended to remove those portions of the claims directed to a "positioning method", electing instead pursuit of language directed to a "positioning

structure". Accordingly, because claims 2 and 3 are now directed only to a positioning structure, withdrawal of their rejection is respectfully requested.

Claim Rejections- 35 U.S.C. § 102:

In the action, claim 1 was rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,997,496 to Halberg et al. ("Halberg"). This rejection has been rendered moot by the present amendment.

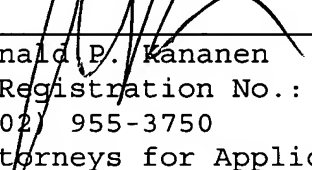
The present amendment cancels claim 1 without prejudice or disclaimer to the subject matter contained therein. Accordingly, since claim 1 alone was rejected as being allegedly anticipated by Halberg, the Applicants submit the remaining claims as being allowable, and request withdrawal of the rejection under 35 U.S.C. § 102(b).

Conclusion:

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Dated: July 31, 2003

Respectfully submitted,

By   
\_\_\_\_\_  
Ronald P. Kananen  
Registration No.: 24,104  
(202) 955-3750  
Attorneys for Applicant

Appendix I: Postcard returned by USPTO dated June 4, 2003  
Appendix II: Replacement Sheets



Application No.: 10/092,493

Docket No.: NIL-176

APPENDIX I

Serial No. 10/092,493 Filed: March 8, 2002 Attorney: 2pk/Idem  
Applicant: WATSON et al. Docket No.: NIL-176 Date Mailed: \_\_\_\_\_  
Title: Positioning Method and Positioning ☐ Courier ☐ First Class Mail ☐ Express Mail No.

The following was/were received in the U.S. Patent & Trademark Office Mail Room on the date stamped hereon:

Filing Form for Application\*  
(In duplicate if charging deposit account).

- \_\_\_ Originating in the U.S.
- \_\_\_ National Phase under Chapter I
- \_\_\_ National Phase under Chapter II

Filing Form for Application\*

(In duplicate if charging deposit account).

- \_\_\_ Provisional Application under 37 CFR 1.53(c)
- \_\_\_ Regular Application under 37 CFR 1.53 (b)
- \_\_\_ CPA Application under 37 CFR 1.53 (d)
- \_\_\_ Continuation Application under 37 CFR 1.53 (b)
- \_\_\_ Divisional Application under 37 CFR 1.53 (b)
- \_\_\_ Cont. In Part Application under 37 CFR 1.53 (b)
- \_\_\_ Design
- \_\_\_ RCE
- \_\_\_ Other \_\_\_\_\_

\*Patent Application including:

- \_\_\_ Pages Specification
- \_\_\_ Pages Claims (Claims 1 through \_\_\_\_\_)
- \_\_\_ Pages Abstract
- \_\_\_ Sheets of Drawings (Fig. 1 through \_\_\_\_\_)

Declaration/Power of Attorney (\_\_\_\_\_ pages)

Verified Stmt-Small Entity Status

Executed Power of Attorney

1 Priority Document(s) No. 2001-075269 & cover sheet

\_\_\_ Assignment(s) & cover sheet

Request to Approve Drawing Change.  
with \_\_\_\_\_ Sheets of Red-Line Drawings

\_\_\_ Sheets Formal Drwgs w/Cover Sheet

Request for Refund

Request for Corrected Filing Receipt

Completion of Filing Requirements

Request for Certificate of Correction

Request for Non-Publication

Request for Notice of Filing Cont./Div.

Request to Extend Patent Terms

Transmittal for Amendment (Response)

Petition for \_\_\_\_\_ Mo. Extension of Time

(In duplicate if charging deposit account)

Amendment (Response)

Preliminary Amendment (Response)

Response to Election Restriction Requirement

Information Disclosure Statement, with

Form(s) PTO-1449 ( 3 sheets) and  
copies of references

\_\_\_ Affidavit or \_\_\_\_\_ Declaration under

37 CFR \_\_\_\_\_ §1.131 \_\_\_\_\_ §1.132

Notice of Appeal

Petition \_\_\_\_\_

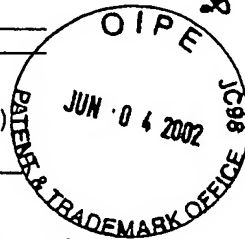
Status Inquiry

Issue Fee Transmittal

\_\_\_ Separate post card(s)

Deposit Account Charges \_\_\_\_\_

Other: \_\_\_\_\_



9710-9000

RECEIVED  
AUG - 5 2003  
TECHNOLOGY CENTER 2800